

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

Civil Action: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Judge Patti B. Saris

**MOTION TO COMPEL DISCLOSURE OF FEE AGREEMENT**

Kent Williams and Williams Law Firm ("Williams") respectfully move to compel disclosure of Lead' Counsel's agreement with Kline & Specter regarding payment of related state court time and expense.

In the fall of 2011, Williams and Kline & Specter<sup>1</sup> moved for modification of Lead Counsel's fee allocation, seeking payment for time and expense spent litigating overlapping state court claims that were ultimately dismissed in favor of this MDL. Lead Counsel recently reached an agreement with Kline & Specter to resolve its request for payment. *See* Dkt. No. 8246. Williams, the sole remaining movant still seeking payment for related state court time and expense, requested a copy of the fee agreement. Lead Counsel refused.

This Court has ordered that "allocation of fees and expenses must be fair and transparent" in this MDL. *See* Electronic Order (Saris, J., Dec. 10, 2008); *see also* Class Counsel's Proposed Future Fee Allocation Guidelines, Dkt. No. 5836, at 7 ("The process has been and will remain fair and transparent, as the Court has directed.").

Lead Counsel's refusal to disclose the agreement violates the Court's 2008 directive. Payment for state court time and expense contradicts the notion that such time

<sup>1</sup> Jennings, Haug and Cunningham, LLP also moved for payment of related state court time and expense, along with other fees. Its claims were resolved by agreement with Lead Counsel in the spring of 2012.

2/19/2013  
Reviewed. However, this disclosure of the agreement shall be kept confidential. Patti B. Saris